

REMARKS

Claim Rejections – 37 CFR 1.75(c)

The Examiner has rejected claim 19 as being of improper dependent form for failing to further limit the subject matter of a previous claim. Claim 19 has been amended to remove Co as a permissible pM element. Applicant therefore respectfully submits that claim 19 is in proper dependent form and is now in condition for allowance.

Claim Rejections - 35 U.S.C. § 112, second paragraph

The Examiner has rejected claims 13, 15-17, 19, 20, and 32-26 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 13, 32, and 35

The Examiner has rejected claims 13, 32, and 35 as indefinite and states “[i]t is unclear whether the entirety of pM is to consist of one or more of the listed elements.” The Examiner made a similar statement with regard to the “sM” elements. The claims have been amended to read “wherein pM is a primary metal consisting of at least one element selected from the group consisting of” to indicate that the entirety of pM may consist of one or more of the listed elements. The claims have similarly been amended with regard to the “sM” elements.

In addition the Examiner states “[i]t is unclear whether “about 0.0” does not encompass exactly zero.” The claims have been amended to remove the word “about” to indicate that the claims do encompass exactly zero.

Applicant therefore respectfully submits that claims 19, 33, and 36 satisfy the requirement of definiteness and are in condition for allowance.

Claim 20

The Examiner has rejected claim 20 as indefinite and states “it is unclear whether other primary metal elements listed in Claim 13 are necessarily excluded.” Claim 20 has been amended to read “ wherein pM is a metal combination selected from the group consisting of” to indicate that pM cannot comprise other primary metal elements listed in claim 13. Applicant therefore respectfully submits that the claim satisfies the requirement for definiteness and is in condition for allowance.

Claims 15, 17, 19, and 34

The Examiner has rejected claims 15, 17, 19, and 34 and states “it is unclear whether the phrase “wherein pM comprises at least one of” should be interpreted to mean that pM cannot comprise other listed pM elements in the respective previous claims.” The claims have been amended to read “wherein pM is a primary metal consisting of at least one element selected from the group consisting of” to indicate that pM cannot comprise other listed pM elements in the respective previous claims. Applicant therefore respectfully submits that the claims satisfy the requirement for definiteness and are in condition for allowance.

Claims 19, 33, and 36

The Examiner has rejected claim 19, 33, and 36 as indefinite and states “it is unclear whether the recitation of sM elements or of “sM” itself necessarily requires the presence of such elements in the composition in a finite amount.”

Claims 33 and 36 have been amended to read “wherein x has a range from a value approaching but not equal to 0.0 to about 0.02” in order to indicate that sM elements must be present in the composition in a finite amount.

Claim 19 has been amended in view of Examiners rejection to claims 15, 17, 19, and 34.

Applicant therefore respectfully submits that the claims satisfy the requirement for definiteness and are in condition for allowance.

Pursuant to 37 C.F.R. 1.136(a)(3), applicant(s) hereby request and authorize the U.S. Patent and Trademark Office to (1) treat any concurrent or future reply that requires a petition for extension of time as incorporating a petition for extension of time for the appropriate length of time and (2) charge all required fees, including extension of time fees and fees under 37 C.F.R. 1.16 and 1.17, to Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN

Date: 10/26/06



Michael A. Bernadicou
Reg. No. 35,934

12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026
(408) 720-8300